

**REMARKS**

This Amendment is in response to a Final Office action (Paper No. 1) mailed May 3, 2005. Upon entry of this amendment, claims 1, 7-12, 20 and 22 will be pending. Applicant has canceled claims 16-18 by this amendment without prejudice or disclaimer as to their subject matter.

In the present Final Office action, claims 16 through 18 were finally rejected under 35 U.S.C. 103 (a) using USP 4,754,268 to Mori in view of Rathbone. Applicant has canceled claims 16-18 by this amendment in order to get an instant Notice of Allowance. Nevertheless, Applicant has the following comments regarding the final rejection of claims 16-18:

Applicant's invention, as claimed in claims 16-18, is about a remote control. When a button is pushed on the remote control, *the remote control sends "security data"* to the computer to do a password check with a password inside the computer and if the passwords are the same, the computer wakes up. Thus, Applicant's invention provides security to the computer without requiring the user to have to type in the password to revive.

Mori '268 pertains to a wireless mouse that interacts with a computer. Mori '268 discusses a programmable counter that can be set to vary the carrier frequency of the transmitted FM signal so that a plurality of mice can operate in close proximity without interfering with each other. Each mouse uses a different frequency allowing only the one computer with that

frequency to wake up. The Examiner relies on Rathbone for a teaching of wake up from a screen saver state.

Applicant has reviewed the references to Mori '268 and Rathbone and cannot find any such transmission of "security data" from a remote to the computer in either Mori '268 or Rathbone. For this reason, Applicant submits that neither Rathbone nor Mori '268 teaches the feature of transmitting security data from the remote device to the computer. Because this limitation of Applicant's claim 16 is not present in either Mori '268 or Rathbone or the combination thereof, the 35 U.S.C. 103 rejection of claim 16 must be withdrawn.

Applicant further submits that the carrier frequency of Mori '268 cannot read on Applicant's "security data". This is because the setting of the carrier frequency in Mori '268 is not designed to keep the computer safe from harm, which is the definition of "security". Instead it was designed to prevent a wireless mouse from inadvertently waking up the wrong computer. In Mori '268, if an unauthorized user does not know the proper carrier frequency, all the user has to do is to read the channel number displayed on channel display 68 of receiver 12 (See FIG. 5 of Mori '268) attached to the computer 5, and then adjust any wireless mouse accordingly via switch 40 so that the mouse can be used to revive the computer. No such easy circumvention is present in Applicant's system. This is because "security" means safe and free from harm, and if the security feature was easily circumvented, the computer in Applicant's invention would no longer be free from harm. Since the selection process of Mori '268 can

easily be circumvented by an amateur, Applicant submits that the selection process of Mori '268 can not be realistically be considered to be a security feature. For this reason, the rejection of claim 16 must be withdrawn.

Applicant also submits that if an unauthorized user, in Mori '268, wanted to gain access to the computer in Mori '268, another easy way to circumvent is to span all possible combinations of frequencies. In FIG. 1 of Mori '268, switch 40 has eight lines going to programmable counter 38 with  $2^8 = 128$  possible carrier frequencies (e.g., a dip switch) which can easily be spanned in a short period of time, allowing any user to access any computer with any mouse. All the user has to do is try each frequency out for a mouse until the proper frequency is found. Display 68 in Mori '268 has only two digits, each digit being represented by the 8 LEDs, thus having only a limited number of combinations which is easily spanned. Because there are so few possible carrier frequencies, all the frequencies of Mori '268 can be easily spanned and thus the arrangement of Mori '268 cannot be used as a security feature since it is easily circumvented. The fact that the arrangement of Mori '268 is designed to be easily circumvented, even by an amateur, Applicant submits that the arrangement of Mori '268, and the carrier frequency feature of Mori '268 cannot read on Applicant's security arrangement and cannot be considered "security data". Therefore, the rejection to claim 16 must be withdrawn.

Although Applicant disagrees with the Examiner regarding the rejection of claims 16-18, Applicant has opted to cancel these claims by this amendment in order to receive an instant

Notice of Allowance.

No fees are incurred by the filing of this Amendment.

In view of the above, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections and objections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. E. Bushnell", is written over a horizontal line.

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